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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,821	12/21/2000	Tim Kerry Keyes	85CF-00111	8655

7590 08/01/2003

John S. Beulick  
Armstrong Teasdale LLP  
Suite 2600  
One Metropolitan Sq.  
St. Louis, MO 63102

EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3624

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**DETAILED ACTION**

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3 1. Receipt of the amendment filed May 06, 2003 amending claim 1 is acknowledged.  
4 Claim 1-30 are pending and are presented to be examined upon there merits.  
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6

7 ***Response to Applicant's Amendment***

8 2. The reply filed on March 25, 2003 is not fully responsive to the prior Office Action  
9 because of the following omission(s) or matter(s):

10 The examiner has analyzed claim 1 as a whole in light of Applicant's specification.  
11 Claim 1 does not rise to the level of one within the computer-related technical arts because the  
12 preamble does not cite a limitation that would suggest that the method is being performed via a  
13 computer. It is respectfully submitted that, "the preamble has the import that the claim as a  
14 whole suggests for it" (see Bell Communications Research, Inc. vs. Vitalink Communications  
15 Corp., 55 F.3d 615, 620, 34 USPQ 2d 1816, 1820 (Fed. Cir. 1995), meaning that the claim as  
16 a whole makes no suggestion that the invention is performed via a computer. On the contrary,  
17 the amendment as presented in the current amendment suggest that the method is not limited to  
18 being performed by a computer but suggests human processes (with the exception of building  
19 of regression models). It is suggested by the examiner to again amend the claims within the  
20 preamble to recite , " *a computer-related* method for predicting value..."  
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1 Since the above mentioned reply appears to *bona fide*, applicant is give a time period of  
2 **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is  
3 longer, within which to supply the omission or correction in order to avoid abandonment.  
4 Extensions of this time period may be granted under 37 CFR 1.13(a).

5  
6  
7 ***Conclusion***  
8

9 3. Any inquiry concerning this communication or earlier communications from the examiner  
10 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The  
11 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
12 Any inquiry of a general nature relating to the status of this application or its proceedings should  
13 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
14 ***Vincent Millin*** whose telephone number is (703) 308-1065.

15  
16  
17  
18 4. Response to this action should be mailed to:  
19

20 Commissioner of Patents and Trademarks

21 Washington, D.C. 20231  
22

23 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
24 communications, please label "Proposed" or "Draft".

25 Communications via Internet e-mail regarding this application, other than those under 35

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1 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
2 addressed to *[daniel.felten@uspto.gov]*.

3 All Internet e-mail communications will be made of record in the application file. PTO  
4 employees do not engage in Internet communications where there exists a possibility that  
5 sensitive information could be identified or exchanged unless the record includes a properly  
6 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
7 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
8 Trademark on February 25, 1997 at 1 195 OG 89.

9  
10 

11 DSF

12 July 25, 2003



HANI M. KAZIMI  
PRIMARY EXAMINER